

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
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Empowering Broadband Consumers)	CG Docket No. 22-2
Through Transparency)	
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Comments of the National Broadband Mapping Coalition
March 9, 2022

The National Broadband Mapping Coalition (the Coalition) is a cross-disciplinary group of technologists, network analysts, community advocates, and others, with a focus on broadband mapping and analytics. The Coalition is dedicated to the openness, transparency, and verifiability of broadband coverage data in determining federal funding eligibility, broadband network policy, infrastructure planning, digital inclusion planning, and more.

We are pleased to offer our insights and comments in response to the Federal Communications Commission's (Commission or FCC) Public Notice seeking comment on the Proposed Rule for Empowering Broadband Consumers Through Transparency. We support the intention of the proposed broadband consumer labels to provide information that consumers need to evaluate and make informed decisions on their broadband service.

I. Empowering consumers and the advocates, researchers, and community leaders

If implemented properly, the labels can empower individuals and communities to ensure that their broadband service meets their needs and expectations. However, the Coalition recognizes that navigating the detailed information included in the broadband consumer label can be overwhelming. With this in mind these labels can also support digital navigators and community leaders in guiding community members to find the right plan for them.

II. Performance metrics should rely on data that is measurable *and* verifiable

There are various methodologies for measuring the metrics of network performance included in the broadband consumer labels. The Coalition does not believe that this rulemaking process should seek to determine which methodology best captures the actual experience of consumers. However, we urge the Commission to ensure that consumers have effective means for reproducing the results and verifying the accuracy of the data. We believe that the best way to achieve this is to require that performance metrics be measured using open and transparent data and methodologies that enable replicability of analyses and results. This would empower consumers and consumer advocates to independently replicate the results and would ensure accountability over the accuracy of the labels.

Even the most informed consumers may have limitations on their ability to verify the accuracy of the data provided by the labels, challenge inaccurate data, and hold ISPs accountable for inaccurate data. With this in mind, we believe that in addition to providing the labels to the consumer at the point of sale, the Commission should ensure that access to labels and the underlying data is available to consumer advocates, researchers, local leaders, and others with an interest in providing more transparency around broadband offerings.

III. Performance metrics should be made more meaningful and useful

A. Providing guidance on what ‘Typical’ means

The Coalition is concerned about the lack of guidance on how to determine the ‘typical’ measurements of performance metrics. As previously noted, the Coalition recognizes that there is no single standardized method for measuring network performance. However, in this case, we believe the Commission should provide more guidance on which methods should be used when determining ‘typical’ measurement. Otherwise, the metrics reported on the labels could vary significantly, even when relying on the same data collection methods. We are concerned that this could incentivize ISPs to report data based on the equation for ‘typical’ performance, in which “experience may vary,” instead of the one that accurately captures the specific experience of consumers. At a minimum, we urge the Commission to require open, transparent, and verifiable methodologies for the methods used in determining ‘typical’ performance metrics.

B. Ensuring that broadband service meets the needs of consumers at all times

With an increasing number of individuals and households relying on the Internet for their jobs, education, healthcare, and other essential aspects of their lives, the evaluation of broadband service plans has shifted in a significant way. In this context, we are concerned that the proposed label does not adequately equip consumers to determine if a broadband service plan will meet their needs. We believe that the usefulness of ‘typical’ performance is limited without the inclusion of additional information.

1. Describing network performance during peak usage times

Performance can vary based on the amount of network resources being used at a given time. This could be in the evening when most people are home from work and streaming videos and playing video games, or it could be during the day when people are working from home and students are engaging in remote learning. Internet users should know what to expect from their service at times when network resources are in high demand.

2. Outlining guaranteed minimums and maximums

If a consumer needs a certain level of service to be available at all times, for their job, healthcare, or other essential use, a performance dip below that threshold could have a much more severe impact on them than a dip below the “typical performance.” We recommend that the labels include information on service level guarantees that indicate the guaranteed minimums or maximums associated with the performance metrics in the label. If a plan does not provide these guarantees, the label should make that information transparent to the consumer.

3. Including additional metrics that impact quality of broadband service

In addition to speed, latency, and packet loss, we encourage the Commission to include a metric for reliability in the label, which includes an indication of any service level guarantees

IV. Balancing simplicity and detail

In pursuit of the goal to empower consumers to make the best decision for their broadband service needs, it is important to carefully consider what information is included and how it is presented. In this era of information overload, consumers face decision fatigue regularly. There is growing evidence in the field of behavioral economics that providing too much information can cause those making the decision to resign to this fatigue and accept a suboptimal outcome, despite being presented with ample information to make an informed decision.

With this in mind, it is critical that the Commission implement the labels in a simple format that can be easily compared across ISPs. To achieve this, we recommend developing a summary label that prominently highlights the information that most consumers consider when evaluating broadband plans, while making detailed information, including the methodology used for performance metrics available, part of the full reporting process. Complete details should also be available at the point of sale, but should not be presented in a way that obscures the prioritized elements of the label.

The prioritized data elements should include, but may not be limited to:

- A. **Performance metrics** - While we recommend that the Commission address concerns about the overreliance on speed as a metric of Internet performance, we also recognize that the average user will have a limited understanding of packet loss and other metrics that can impact the quality of service. With this in mind, we recommend that the labels prioritize data on speeds, latency, *and* reliability. These should include *both* the typical metrics *and* any minimum or maximum service guarantees.
- B. **Pricing** - The information disclosed on pricing should provide a transparent account of all the expenses that the consumer can expect to pay, including base rate, rates for overages (if applicable), and one-time and recurring fees, including installation, equipment rentals, and other service-related charges. Any conditions for the pricing, including contract terms and promotional periods, need to be disclosed alongside this information.
- C. **Data caps** - Any limits on data usage needs to be disclosed prominently along with any additional charges or other restrictions that are put in place once the data cap is reached.

In developing digestible labels, we also recommend that the Commission provide guidance on the display of these labels. Without clarity on acceptable style guidelines, the display of the labels could be obscured, intentionally or unintentionally, by additional information from the ISP that is not part of the standard label.

While we emphasize the importance of keeping the labels manageable for average Internet users, we also believe that it is critical that the complete plan information be made available in a standardized format to enable deeper analysis of the plans, either by, or on behalf of, consumers when selecting plans or verifying the accuracy of the labels.

Thank you for the opportunity to submit comments with respect to CG Docket No. 22-2 for the Empowering Broadband Consumers Through Transparency Proposed rule.

Respectfully,
National Broadband Mapping Coalition

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